



KIDS, COURTS AND CITIZENSHIP

A program created by Judge Joyce London Alexander



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in partnership with



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Welcome to



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OVERVIEW

This is a two-hour program offered to highly impressionable fifth grade students. The program offers these students the opportunity to visit the U. S. District Court. It serves to supplement and enrich the civics curriculum. It brings learning to life by letting students experience the court process in action by witnessing an actual criminal proceeding.

They have the opportunity to observe, interact and learn about the roles in a court room proceeding including: the Judge, the Court Security Officer, the clerk, the prosecuting attorney, the defense attorney, defendant, U.S. Marshal, and the court reporter. Each contributor in the trial process provides an explanation of what his/her role is in the court room process.

Students learn the concept of a trial by jury. Each student also learns that by serving as a jury member he/she is acting as a responsible citizen in our society.

After learning about the key roles within the courtroom, the students witness a criminal proceeding in action where an actual defendant is escorted to the courtroom by the U.S. Marshal and the attorneys present their respective viewpoints. The students then meet with the judge who provides an overview of the judicial process and key terms used in the courtroom. The judge introduces the concept of capital punishment versus life imprisonment without parole. Methods of capital punishment that have been used throughout history are discussed. After a brief discussion, the judge takes a hand vote asking which students are for the death penalty and which students are against the death penalty. The votes are recorded.

A mock trial is conducted which further focuses on the debate of capital punishment (the death penalty) versus sentencing a defendant to life imprisonment.

Several students are selected to play the following roles in the trial: the judge, two defense attorneys, two prosecuting attorneys, and the clerk. These students are



taken to a conference room where they are given scripts to learn and rehearse with the assistance of the court staff members (law clerks/interns).

Those students who remain in the court room play the pivotal role of jurors. They are given specific instructions of what the role of a juror is and how a jury will collectively weigh the evidence presented, deliberate and attempt to reach a verdict. After approximately a half hour of preparation, students who are playing the roles of judge, clerk, and attorneys return to the courtroom and take their respective positions to make their arguments. After all arguments have been made the jurors are instructed to deliberate and reach a verdict. While the jury is deliberating and voting, the judge takes general questions from the students who are not jurors.

After approximately ten minutes, the vote is taken and then the student acting in the role of judge asks the foreperson to read the verdict. A brief discussion takes place comparing the original votes for and against the death penalty to the final votes tallied after the jury had heard arguments for both sides of the issue. The judge explores why or why didn't the jurors change their minds.

The judge bridges the concepts of a trial by jury, due process, every person making a difference, evaluating an issue, and making a decision that have been learned in the program to the role of citizenship in our democracy. If time permits, the judge will field any additional questions the students may have.

EDUCATIONAL OBJECTIVES:

The students will learn:

- The role that the courts play in resolving conflicts
- The difference between the federal court and state court systems
- The difference between civil and criminal cases
- How the judicial process works
- How courts can affect their lives
- The roles of judge, court clerk, prosecuting attorney, defense attorney, U.S. Marshal, and court reporter
- How jurors are selected
- Understand basic steps from arrest to a criminal trial
- The responsibilities of every person to work for justice in society
- How to debate an issue by listening and reviewing all pertinent facts carefully
- The presumption of innocence, and the concept of reasonable doubt

LEARNING TECHNIQUES/PROCESS

- Gathering, reasoning, and evaluating facts
- Making persuasive arguments/debating
- Brainstorming
- Mentoring
- Role Playing
- Questioning
- Presentation
- Reaching Consensus



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COURTROOM VOCABULARY

accused person
appeal court for review
appellate jurisdiction
attorney
bail
capital punishment
checks and balances
citizen
citizenship
civil case
constitution
counsel
courtroom clerk
court reporter
court transcript
criminal case
defendant
defense attorney/counsel
deliberate
democracy
due process of law
executive branch
federal government
federal judge
felon
felony
illegal
indict
judge

judicial branch
jurisdiction
juror
jury
law
legal
Magistrate Judge
majority
minority
misdemeanor
mock
natural born
naturalize
negotiate
out of court settlement
parole
personal property
plea bargain
probable cause
resolve



DISCUSSION GUIDE

The Federal Court

The Courtroom: Approximately 30 to 60 students will participate in the two-hour courtroom discussion and mock trial. When they arrive, members of the chambers staff should escort the teachers and students to be seated in the visitor seating area.

This script is written assuming that the judge will be available from the beginning to the end of the program - a two hour segment. However, a judge may not always be available for the whole program. The sequence of the activities in the program will be contingent upon each judge's schedule and availability. The program is flexible and can be adjusted accordingly. It is preferred that the judge open the session but if that is not possible, the law clerk or the court room clerk can introduce the program and begin introducing the key players.

The following discussion guide provides a suggested script for each of the respective players in this court room presentation. It should be considered as a guide and each individual should adjust and adapt the script to his/her own style and experience. Time frames are also included to help ensure that the core content is covered and that the sequence of activities flows smoothly.

Please Note: The suggested comments for the Judge are in *blue italics*. Suggested comments for other roles will be in ***bold italics***. Instructions and comments are in plain, black text.



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1.

Setting the Stage/ Introduction of the Judge

Participants

Courtroom Clerk

Learning Objectives

Observe protocol in the court room

Identify/summarize the roles of judge & court room clerk

Tips & Techniques:

Try to make the students feel comfortable by making good eye contact and being patient when each student answers.

Vocabulary

Court room

Courtroom clerk

Federal

Judge

Magistrate Judge

**Time
Keeper**



This Section = 5 minutes
Cumulative Time = 5 minutes



Students should be seated along with all the respective key players in the court room. The court clerk should ask for all to be silent and ensure that everyone is ready to begin.

The clerk should begin by introducing the Judge and explaining what his/her role is in the courtroom.

Hello my name is _____ and I am the court room clerk. In a few minutes you will meeting Judge _____, U.S. Magistrate Judge in the District of _____.

Who can tell me what the role of the judge is in this court room?

That's right; the judge has the power to make decisions about what happens in this courtroom. The judge makes sure that legal procedures are followed. The judge actually acts like a referee making sure that the rules are followed.

Now to show respect for the judge, when we're in the courtroom we always stand when the judge either enters or leaves the court room. Why do we do this?

That's right, to show respect for the judge and for the process in which we are participating. Sometimes life and death decisions are made in a courtroom, and all proceedings in a court are serious ones. As such, we stand to show our respect for the judge, the jury and the process by which we resolve our disputes.

To be a judge takes a lot of studying, a lot of experience. And we all should be respectful of that knowledge and experience. So whether you're a lawyer, the person being brought to trial, the court reporter....or a student, we all rise to show our respect.

The judge is going to enter in a minute, and I am going to say to everyone, "all rise, the court of _____ is now open and in session, the Honorable Judge _____ presiding."

And what will everyone do when the judge enters?

That's right! Everyone will stand until she/he is seated.

_____ is now open and in session, the Honorable Judge _____ presiding.



2.

Branches of Government in Civil vs. Criminal Cases

Participants:

Judge



Learning Objectives

Distinguish between federal and state court system

Define the three branches of the federal government

Identify and summarize role of judge

Tips & Techniques:

Encourage the students to ask questions.



Vocabulary

Federal Court Legislative

State Court Judicial

Mail Fraud Suit

Executive Damages

**Time
Keeper**



This Section = 8 minutes

Cumulative Time = 13 minutes



Judge enters and everyone remains standing until the judge sits down.

Hi everyone and welcome to the Federal Courthouse; it's wonderful to have the students from the _____ school here with us today. Can any student tell me why you're here today?

Possible answers:

- * to learn what happens in a courtroom
- * to learn what a judge does
- * to see a criminal
- * to meet lawyers
- * to make sure we know what happens if we commit a crime

These are all good answers. And many of them are why we invite students like you to come here. We want you to see how the court works, what each one of the key players in a courtroom does here, what happens at a trial, how to present ideas for or against something, and how each of you can make a difference as a citizen in our democracy. So we've got lots to do, so let's get started.

First, let's talk a little more about this courtroom. This court is what is called a Federal court. A federal court handles cases involving federal laws. These are laws that cut across our whole nation.

Federal court also handles cases that involve the U.S. Constitution and cases where citizens of two states are involved. One example of a case that could be brought to federal court is when someone commits mail fraud. Since the government is in charge of our mail system, then a case like mail fraud would be tried in the federal court.

A state court on the other hand involves several kinds of courts at the county and city level. Those courts deal with the state constitution. Tenants in an apartment building are suing their landlord, a local store owner is robbed and the burglar is caught, and a person is caught for speeding -- each of these people would be brought to trial at the state/local courts, not the federal court.

Let's take a look at how our whole system of government is organized. Who knows what branch of government is being represented today?

Take answers from students.

That's right - the judicial branch of government. What are the other branches of government?

Take answers from students.

The executive branch and the legislative branch. What's the difference in each branch of government?



The executive branch is the part of our government that carries out the laws....

The legislative branch is the part of government that makes the laws....

The judicial branch is our court system where our laws are enforced....

Let's learn a little more about our court system.

In the courts, a judge can hear what are called civil cases or criminal cases. Does anyone know what a civil case is?

That's right, a civil case is when there is a disagreement, a dispute between people over property, money or damages. One person brings suit for damages (money) against another.

Who knows what a criminal case is?

That's when the government accuses someone of breaking the law/committing a crime.

Now that we know the difference between the federal court and the state court and the difference between civil and criminal law, we should be ready to move on. Also, keep in mind that today you are going to be seeing our judicial branch of government in action.



3.

Roles and Responsibilities

Participants:

- a.) Judge
- b.) Courtroom Clerk
- c.) Prosecuting Attorney
- d.) Defense Attorney
- e.) Court Reporter
- f.) U.S. Marshal/Student demonstration

Learning Objectives:

For the introductions for each of the key roles in the courtroom process, individuals are encouraged to share their individual educational background and experiences to enrich each student's appreciation and understanding for each role.

**Time
Keeper**



This Section = 24 minutes

Cumulative Time = 37 minutes



3.

Roles and Responsibilities

a.) The Judge

Participants:

Judge

Learning Objectives:

Identify the basic elements of a legal procedure.

Examine how the judicial process works.

Analyze the concept of “due process” and what it means to each citizen.

Explore being a judge as a potential career.

Tips & Techniques:

Share personal experience and relate in layman’s terms.

Picture yourself when you were a fifth grade student.

Refer to the robe a judge wears/ the way a judge conducts himself/ herself.

Vocabulary:

Citizen

Liberty

Objections

**Time
Keeper**



This Section = 4 minutes

Cumulative Time = 17 minutes



a.) The Judge

Let's look at the key roles that individuals play in the court room process and what responsibilities each role carries with it.

In this courtroom, we practice what's called the "due process of law." This means that it is the right of all citizens of this country to be treated fairly in any case where they may lose their life, liberty, or property.

So what we do here in this courtroom is make this happen for every single citizen no matter what crime has been committed. Every single individual is entitled to a fair trial. Every individual is entitled to consistency in the legal proceedings in which he/she is tried.

Let's first take a look at what each person does in the courtroom. I understand that a few minutes ago the court clerk told you what I do. So who can summarize what my role as judge is?

Possible answers:

- * to keep the court in order
- * make sure rules are obeyed
- * make sure that there is order in the court
- * hear all sides of the argument
- * determine what objections make sense and what objections don't make sense

To be a judge takes a long time and lots of education and hard work. First, I needed to study hard to graduate from high school, then to continue to study through four years of college, and then to study for three years of law school. Then I practiced law for ___ years. It was _____ when I asked to be a judge. So it took a long time and lots of study. Enough about me and my role. There are a lot more important people involved in making this court work than only the judge.

Let's learn what other key players in a courtroom do. First, let's turn to the court room clerk whom you have already met and who I rely on for a great deal of help.



3.

Roles and Responsibilities

b.) The Courtroom Clerk

Participants

Clerk



Learning Objectives:

Identify and summarize the role of courtroom clerk.

Examine the purpose of evidence/ legal papers.

Explore being a courtroom clerk as a potential career.

Tips & Techniques:

Use props (e.g., actual schedule/ papers) to illustrate.

Provide logical sequence of activities you perform.

Use TV shows to help illustrate your role.



Vocabulary:

Courtroom Clerk

Evidence

**Time
Keeper**



This Section = 3 minutes

Cumulative Time = 20 minutes



b.) The Courtroom Clerk

Once again, my name is _____ and here's what I do in my role as courtroom clerk.

My most important role is to keep the schedule for the judge. I swear in the jury, ask everyone in the courtroom to rise when the judge enters the courtroom and assist the judge in keeping order in the court.

I mark all evidence and all submitted papers. I try to make sure that all witnesses, evidence and papers are in place. In some courts, the role I have is similar to the role of bailiff on what you see on court TV shows.

The Judge

Thank you! Let's hear from our prosecuting attorney.



3.

Roles and Responsibilities *c.) The Prosecuting Attorney*

Participants

Prosecuting Attorney



Learning Objectives:

Explore the role of lawyers as negotiators.

Generalize how lawyers use effective questioning to acquire facts.

Explore the role of prosecuting attorney as a career choice /educational background.

Identify and discuss the basic elements of pre-trial procedures/preliminary hearing.

Distinguish between the prosecutor and the defense attorney.

Tips & Techniques:

Relate concepts in layman's terms.

Use the defense attorney to illustrate your comparison of roles by moving toward him/her.



Vocabulary:

Prosecutor

Prosecuting attorney

Pre-trial

Preliminary hearing

Negotiator

**Time
Keeper**



This Section = 3 minutes

Cumulative Time = 23 minutes



c.) Prosecuting Attorney

Hello everyone, my name is _____. Let me explain that I'm an attorney just like the person you see sitting at the next table, that person is an attorney as well. You might know us better by the term lawyer or counsel.

Just as the judge has done, we both had to study a lot in elementary school, and then we went on to middle school and then to high school. We both had to go to college and then on to law school and pass the bar exam (exam for lawyers) to become full-fledged lawyers.

Each of us is in the business of helping to resolve conflicts. To do this, we negotiate. In other words we try to find a compromise to get the problem resolved or solved. Sometimes that's done before we ever get to court.

In other words we settle the differences or come to some sort of compromise without ever having to go to a courtroom such as this.

Now, the difference between that attorney and me is the side that each of us represents.

I work for the interests of and represent the federal government. It's my job to prove that the defendant (the person accused of a crime) is guilty. Before a trial, at what's called a preliminary hearing, I present evidence to convince the judge that there is what is called probable cause to go on with a case.

This means that there is reason to believe that the accused has committed a crime. To do that, I and other lawyers who work with me do lots of research to prove that the defendant is guilty. I need to provide sufficient evidence. And I also need to do this to make sure that I ask the right questions to prove the government's case against this individual.

The Judge

Thank you! Now let's hear what the defense attorney's role is.



3.

Roles and Responsibilities *d.) The Defense Attorney*

Participants

Defense Attorney



Learning Objectives:

Identify and summarize the role of defense lawyer/attorney.

Explore the role of defense lawyer as a career choice.

Explain the role of defendant in a trial.

Observe and analyze the use of effective questioning techniques.

Tips & Techniques:

Try to align the discussion as a response to the prosecutor's talk.

Compare and contrast roles.

Relate to television examples (Law & Order/Judging Amy, etc.)



Vocabulary:

Defense attorney

Defendant

Precedent

Guilty/not guilty

**Time
Keeper**



This Section = 3 minutes
Cumulative Time = 26 minutes



d.) Defense Attorney

Hi my name is _____ and I'm here representing the defendant, the person who's been accused of the crime. Just like the prosecutor just said it took a number of years of both education and experience for me to be a defense attorney. I had to study really hard, take many classes and work hard to be a lawyer. I not only learned in the classroom but I learned a lot from the people that I have worked with through the years.

The prosecutor is representing the government's case. I on the other hand, am representing the defendant and I'm trying to prove that this person is not guilty, or I try to show that the government has not proven that the defendant is guilty of a crime. When we say "not guilty", we don't necessarily mean "innocent." We mean that we did not have enough evidence to show that someone was guilty.

Just like the prosecutor, I and the people I work with need to find all the facts we possibly can. We need to study other cases that have already been tried to find precedents, that is looking at similar cases that have been tried in the past to help solve this case. I need to be prepared to ask good questions so that I can make sure that the person I represent gets the best counsel possible.

Before there is a trial, the accused person appears before the judge to enter a plea on the case. This means that the accused can either plead guilty, not guilty or no lo contendere (neither guilty nor not guilty).

It should be noted that many times cases don't even get to trial. Sometimes the attorney representing the government side of the case and the defense attorney representing the accused reach an agreement. So many cases never actually make it to the courtroom.

The Judge

Thanks to both attorneys. Now let's hear from the court reporter.



3.

Roles and Responsibilities *e.) The Court Reporter*

Participants:

Court Reporter

Tips & Techniques:

Demonstrate taking transcription.

Use a transcript to illustrate what it is.

Relate one or two unique challenges of the job.

Learning Objectives:

Identify and summarize the role of court reporter.

Explore the role of court reporter as a career.

Vocabulary:

Court reporter

Court transcript

**Time
Keeper**



This Section = 3 minutes

Cumulative Time = 29 minutes



e.) Court Reporter

My name is _____ and my role as the court reporter is to take down the exact words that are said during a trial. That means I record all the questions of the lawyers, all the statements of the witnesses, and what the judge says.

I record what is said using this machine where I can record at the rate of about 250 words a minute. From the words that I record, I produce what's called a transcript of the trial. If the jury wants to review any of the words spoken, they can ask for a transcript. I had to go to school to learn this skill and I have now been doing this job for ____ years and have participated in ____ trials.

The Judge

Thank you. Now another very dynamic role in the courtroom is the role of U.S. Marshal. Would the U.S. Marshal please explain what your contribution is?



3.

Roles and Responsibilities *f.) The U.S. Marshal*

Participants:

U.S. Marshal

Student Volunteer
(for demonstration)

Learning Objectives:

Identify and summarize the role of U.S. Marshal and the U.S. Marshal's office.

Define what a warrant is.

Demonstrate and analyze the use of restraints in dealing with the defendant/accused.

Tips & Techniques:

Try to use actual, concrete examples.

Use one or two student volunteers to illustrate the various types of restraints.

Explain each restraint step-by-step and clearly relate its utility /effectiveness.

Vocabulary:

U.S. Marshal	Custody
Arrest	Restraints
Warrant	

**Time
Keeper**



This Section = 8 minutes
Cumulative Time = 37 minutes



f.) U.S. Marshal

Hi my name is _____. As the U.S. Marshal, I wear a number of different hats. First, I'm responsible for protecting the judge 24 hours a day. That's a really important role.

I transport the prisoners to and from the courthouse. If a person who is scheduled to come back for his/her day in court doesn't show up at the court on the scheduled date, it's my job to find them.

It's my job to take the suspects/accused into custody. Sometimes this involves looking for the accused not just in this country but other countries as well. If the accused has bought items with money that was stolen then it's my job to seize those possessions. If it involves drugs/money or other stolen property, I seize all the items.

Now let me explain what happens after the judge has issued what's called a warrant for the arrest of someone.

Does anyone know what a warrant is?

A warrant is a court order issued by the judge to allow the police/U.S. Marshal to search for and take a person or property that might be related to a crime. So one of my roles is to ensure that the person shows up for his/her hearing in the court. So to accomplish this my job requires me to be thinking all the time....a Marshal needs to be trained for a number of years to be effective.

Now when a person is taken into custody, we have a number of restraints that we use to secure everyone's safety around the accused.

U.S. Marshal/Student Demonstration

Would someone like to volunteer to demonstrate how we use these restraints?

Have the student come to the front of the room; ensure that he/she is in a position that is visible to all students.

First we have handcuffs. Place the handcuffs in position and let the student demonstrate how a person can still function while being confined.



Then we have chains placed around the waist and these chains are handcuffed to the chains to ensure that the accused can not retaliate against the Marshal or anyone else. Have the student demonstrate.

Next we can use leg irons, which keep a person from being able to run away. Have the student demonstrate; the student should actually attempt to walk away.

Once again, let me remind everyone that the purpose of these restraints is to ensure that the defendant is able to function while at the same time ensuring everyone's safety.

The Marshal thanks the student for helping to demonstrate the use of the restraints.

What questions do you have?

Sample questions

- What does the belt do?
- Do you take cuffs off when the accused is in the courtroom?
- Where does the accused stay just before the trial?
- Have you ever had a defendant get away?
- Do you ever accuse the wrong person, and how do you handle it?
- What type of school do you need to attend to be a U.S. Marshal?
- How many years do you have to study?
- Did a defendant ever escape from you?
- Has a defendant after serving a sentence ever come back to get you?

Well today since you've learned so much about the role of the U.S. Marshal, we're going to award everyone a certificate so that each of you is a Junior Deputy.

The Judge

Let's have a round of applause for our U.S. Marshal for giving us such a great presentation. Let's also have a round of applause for our lawyer representing the government, our lawyer representing the defense, our courtroom clerk, and courtroom reporter for giving us such great explanations of what they do.

(The chamber staff should pass out the certificates).



4.

Setting the Stage/ Choices, Choices, Choices

Participants:

Judge & Students

Learning Objectives:

Observe/discuss how an actual courtroom hearing is conducted.

Distinguish between capital punishment and life imprisonment.

Observe/discuss basic court procedures and the role of the jury.

Generalize the concepts of the presumption of innocence and reasonable doubt.

Identify and define the methods of capital punishment.

Interpret information and alternatives in making a choice.

Defend and present your opinion and rationale.

Tips & Techniques:

Evaluating two options and making decision.

Vocabulary:

FBI

Federal crime

Convicted felon

Life imprisonment

Parole

Capital punishment

Death penalty

**Time
Keeper**



This Section = 8 minutes
Cumulative Time = 45 minutes



We now have a better understanding of the roles of each of the key players in the courtroom. Later this morning you'll actually witness a hearing where a defendant will be escorted into the court by a U.S. Marshal.

The defendant will be represented by the defense attorney you just met and the government will present its case against the defendant. The courtroom clerk will assist me and the court reporter will be taking the notes to create a transcript of what's been said.

Now I have a question to pose for all of you. Let's say a person has been convicted of a terrible crime. This person robbed a bank and in the process he shot and killed an FBI agent. What does the abbreviation FBI stand for?

That's right the Federal Bureau of Investigation. That means this was a federal crime and was tried in a federal court.

After much trial and deliberation, the jury has found that the defendant is guilty. It's now time to determine sentencing. And the jury has two choices: The jury may either.....

(1) sentence the convicted felon to death, or

(2) sentence the convicted felon to life imprisonment without parole.

Who can tell me what the difference is between those two sentences?

That's right if a person is sentenced to death for what's called a capital offense that means the person is put to death. If the person is given life in prison that means the person will serve the rest of his/her life behind bars. Without parole means that the person will never be let out of the prison....will never be free.

Sometimes a person can get life imprisonment with eligibility for parole within a certain number of years. That means if the person behaves and is good when he/she is in prison, there's a chance after so many years that the person's record can be evaluated and that he/she may be released from prison early.

Let's get back to our discussion about the death penalty.

Does anyone know of the methods that are still on the law books as how to an individual can be put to death?

- Legal injection (most common)*
- Hanging*
- Firing squad*
- Gas chamber*
- Electrocution*



Now in those states that have capital punishment, in other words, the government in that state can put the felon to death, legal injection is the most common method. Hanging and firing squad are still on the books but, they're rarely used today. At least in our society...in the United States. And, the gas chamber and electrocution are being used less and less today.

Let's say you are asked to decide the sentence for the individual who shot and killed the police officer? Remember, the jury has found the person guilty. It's time for the jury to sentence the person.

Once again, you have two choices...either
(1) the person is sentenced to death, or
(2) the person is sentenced to life imprisonment.

How many select the death penalty, please show your hands.

Count the number of hands.

How many of you select life imprisonment without parole?

Count the number of hands. Comment about the number of votes for each position. Ask the following questions:

Those of you who chose the death penalty, what are your reasons?

Those of you who chose life imprisonment without parole, what are your reasons?

It's now time to set up the mock trial keeping these votes as a framework to reference later.



5.

Selection of Mock Trial Volunteers

Participants:

Judge & Students



Learning Objectives:

Identify what a mock trial is.

Practice/observe a mock trial.

Identify three key factors for success in the courtroom:

- 1.) listening
- 2.) speaking
- 3.) presenting ideas effectively.

Identify juror roles and responsibilities and the role of the jury foreperson.

Practice inductive and deductive reasoning.

Tips & Techniques:

Teachers may be helpful resources in selecting students to play the various roles.



Vocabulary:

Mock trial

Criterion/Criteria

**Time
Keeper**



This Section = 8 minutes
Cumulative Time = 53 minutes



Next on our agenda, we are going to explore this concept of capital punishment even further. To do this we're going to conduct something similar to what's called a mock trial -- that's a trial that's make believe. However, try to make it as realistic and similar to a real trial as possible.

We need six volunteers.

- two individuals to play the role of prosecuting attorneys*
- two individuals to play the role of defense attorneys*
- one person to play the role of judge and*
- one person to play the role of the court clerk.*

Please listen carefully to following skills we need for our volunteers to be as good as they possibly can be:

(1) Each volunteer needs to be a really good listener and take direction well.

(2) Each volunteer needs to be able to speak clearly and loudly so that everyone will hear and understand what he/she is saying.

(3) Each volunteer should be comfortable with speaking to the whole group.

Please think about the three skills that we're looking for before you put your hand up.

Now what volunteers do we have?

Use each criterion on each volunteer....you listen and take directions well, you speak clearly and loudly and you're not afraid to speak in front of groups.....

Once again, we're going to have six roles....we'll need

- a person to play the judge,*
- a person to play the courtroom clerk,*
- two lawyers who will argue for the death penalty and*
- two lawyers who will argue against the death penalty.*

*Chamber staff will distribute the scripts as the judge selects students who volunteer for the respective roles. Scripts are located behind the **Mock Trial Scripts Tab**.*

Let's start with the very important role of judge. Who would like to play the role of judge? Fine, _____ do you think you can handle this important role? Please give the role of judge script to our volunteer _____.

Who would like to play the role of the courtroom clerk? Please give the role of the court clerk to _____.

*Now we are going to need two lawyers to argue **for** the death penalty. These will be lawyers representing the government. What two volunteers would like to make*



this argument? Please give _____ and _____ their scripts.

And our last two volunteers will be the lawyers for the defendant, the defense attorneys, arguing **against** the death penalty. Please give _____ and _____ their scripts.

Our six volunteers will be escorted to the conference room by my staff. They will help you to prepare for your major roles where you'll rehearse your scripts and provided time to practice so you'll be "the dream team" when you return.

Now for those of you who remain, you will have an equally important role. Your role will be that of the jurors. Who can tell me what a jury does?

Possible answers:

- Looks at all the evidence.
- Discusses the facts with the other jurors.
- Works with other people to decide whether the defendant is innocent or guilty.
- Listens and tries to think about everything that the lawyers and the witnesses say.
- Takes directions from the judge.
- Makes hard decisions.
- Tries to be objective and look at the facts carefully.

These are all good answers. The discussion of all the facts/weighing evidence with each other as a jury is called deliberation.

Now the "dream team" will be working on arguing either for or against the death penalty. It will be your role as citizens acting as jurors to decide whether we should sentence the individual that we found guilty of taking a FBI agent's life to either death or life imprisonment without parole. Keep in mind that being asked to act as a juror is one of the most important roles that any citizen has the opportunity to do.

Now will _____ escort our volunteers and begin training them for their very important roles.

The volunteers are escorted by chambers staff to the conference room. Details for preparing the volunteers can be found in this discussion guide in **Section IX: PRE-PARING THE VOLUNTEERS**.

The other students remain in the courtroom and they will be witnesses to an actual hearing.



6.

Actual Hearing

Participants:

Judge
Chambers Staff
Lawyers
Courtroom Clerk
Reporter
Defendant
U.S. Marshal

Learning Process/Technique:

Students witness an actual event.

Learning Objectives:

Understand what an actual hearing is all about.

Apply new legal vocabulary learned to an actual situation.

Vocabulary:

Will vary depending on the hearing

**Time
Keeper**



This Section = 25 minutes
Cumulative Time = 1 hr 18 min



Now as I promised you, you will actually see a defendant escorted to the courtroom by a U.S. Marshal. Now you won't see a trial, but rather, a hearing where the lawyer representing the government and the lawyer representing the defendant will provide me with an update of the progress/facts relevant to this case. Now it's very important that you be very, very quiet and just watch the proceedings.

Relate in layman's terms the facts and status of this case and basically what the students will be witnessing. The defendant should then be brought into the courtroom.

Actual Hearing (Types of hearings will vary.)

At the conclusion of the hearing, the judge should provide a quick summary of what occurred. The judge should then remind the students that the volunteers who are preparing their roles as judge, clerk and lawyers for the mock trial are almost ready.



7.

Role of Juror/Jury Foreperson

Participants

Judge

Time

5 Minutes

Tips & Technique:

Emphasize the pivotal role that each juror plays in the trial process so that students do not feel that they are making a lesser contribution than those students role playing the other court room roles.

Learning Objectives:

Identify the crucial role a member of the jury plays in the trial process.

Identify the crucial role of the foreperson.

Discuss how to deliberate.

Discuss the process for reaching a verdict.

**Time
Keeper**



This Section = 5 minutes
Cumulative Time = 1 hr. 23 min.



The students who volunteered for the roles in this mock trial will be returning in a few minutes. Before they enter, let me remind you of the crucial role that you will be playing as jurors.

It's very important to listen to the arguments that are presented both for and then against the death penalty. When all the arguments have been presented, you will have the opportunity to discuss those arguments and then take a vote, just as I asked you to vote earlier this morning on the same issue. Only this time, you will have heard well thought out arguments in which to base your decision. Then as we discussed before, you will deliberate as a jury.

When jurors meet for discussions, a jury foreperson is appointed by the judge. Does anyone know what this person does?

These are all good answers.

Yes, the person tries to guide the discussion, make sure all the evidence is considered, makes sure that everyone on the jury can contribute their ideas and opinions, and in summary acts as a leader for the jury's discussion.

Now who would like to be the jury foreperson? Good. So you're a good speaker...loud and clear? Good leader? Good listener?

Now just like the people rehearsing for their roles for the trial, our jury foreperson also has a script. Here's the script. It's really quite simple. After the votes have been counted, the person who counted the votes will give the foreperson a slip of paper with the results. The Judge will turn to you and ask, "HAVE YOU REACHED A VERDICT"?

You will answer "YES" or "NO".

The courtroom clerk will then go up to you and get the verdict slip and you'll give it to him/her, who in turn will bring the slip to the Judge.

The Clerk will then announce the verdict.

The Judge will then ask you, "SO SAY YE MADAM/MISTER FOREPERSON"?

You will answer, "YES". The Judge will then ask the jury, "SO SAY YE ALL"?

The jury members will answer, "YES". You will then wait for the Clerk to say, "COURT IS ADJOURNED".

So do we all understand the very important role of juror? Is our jury foreperson ready? Great! Let the trial begin. I see that our volunteers are ready to take their positions in the courtroom.



8.

Preparing the Volunteers

Refer to [Mock Trial Script](#) Tab for a complete transcript of the mock trial

Participants:

Chamber Staff

6 Student Volunteers

Takes place in a conference room, outside of the Courtroom.



Learning Objectives:

Understand each role in the court room process.

Be expert at one particular role/ argument.

Understand the importance of practice.

Actively read for understanding and comprehension.

Actively listen for understanding and comprehension.

Develop the skills to make an argument.

Vocabulary:

Rehearsal

Counsel for the government

Counsel for the defense

Convicted

Time Keeper



This Section = 30 minutes
Cumulative Time = 1 hr 23 min

Occurs while hearing takes place in Courtroom.



For the entire script of the mock trial, refer to **Mock Trial Script Tab**.

The law clerk or other designee by the judge should escort the students to a conference room where the students can be seated.

Hi, my name is _____ and I'm here to help you prepare for your very important roles in the trial. We really have very important work to do for the next half hour. Who can tell me what our charge is...what we need to accomplish while we're together?

Solicit responses from the students and then reiterate the charge. ***When we return to the court room we all need to be very prepared.***

Our two able government lawyers, _____ and _____ will use their scripts to argue for the death penalty and our other two lawyers representing the defendant, _____ and _____ will use their scripts to argue against the death penalty.

When we return to the courtroom, a jury of will listen to the arguments that are for and against the death penalty and they will take a vote by secret ballot.

Our judge played by _____ will preside over the trial to make sure that everyone is heard.

And finally our clerk, _____ will make sure that the trial runs smoothly and assist the judge whenever he/she can.

There are separate scripts for each of the roles that the students are assigned to. Refer to the scripts (distributed in the courtroom) that outline the following roles:

- The Judge
- Courtroom Clerk
- Arguments in Favor of the Death Penalty (Versions 1 & 2) the lawyers representing the government
- Arguments against the Death Penalty (Versions 1 & 2) the lawyers representing the defendant

Now the first goal we need to accomplish is to read each of our scripts. So let's take a few minutes to read carefully and silently the script that we are assigned. If there's a word or words that you don't understand, underline the word(s). If you have a hard time knowing how to pronounce a word, then underline the word. Really try to think about what the script is saying.

Allow the students about 5 minutes to read the script. Go around to each student to assess whether he/she needs help or not. Help students with pronouncing words or giving definitions for certain words.



Now let's walk through our script....picture this like a rehearsal. What's a rehearsal? That's right. That's when someone who is going to present something to others, practices first before they do the real thing. This helps them to be really good. The more we practice here, the better we're going to be in the courtroom.

As the each student reads aloud, work with him/her through every line ensuring that he/she understands and is able to pronounce the words. Some students may have English As A Second Language problems/learning problems. It is important to be patient. It is also important to try to get the students to understand the points listed that they are presenting.

Now if you remember the judge said that to volunteer for your roles you had to have certain skills. Who remembers what skill we need to have when we speak to a large group?

That's right; we need to speak loudly and clearly.

So let's begin. When we go back to the courtroom, the lawyers will take their seats where you saw the lawyers sit.

_____, in your role as judge you'll enter the courtroom last and then you'll sit exactly where the judge sits behind the bench.

The clerk will sit exactly where you saw the clerk sitting.

Let's begin. The clerk is going to announce the judge's entrance.

_____ What does it say on your script? That's right, WHEN THE JUDGE IS READY TO COME INTO THE COURTROOM, STAND UP AND ANNOUNCE THE JUDGE'S ENTRANCE. So let's here it loud and clear: "ALL RISE!"

That was excellent! If the student needs to say it louder, then have the student do it two or three times.

The Judge will sit down behind the bench. Keep in mind that everyone else will still be standing. Then what will you say? Read your script loudly and clearly: "THE UNITED STATES DISTRICT COURT IS NOW IN SESSION. YOU MAY BE SEATED".

Now, _____, you are the Judge so it's your time to speak right after the clerk says, "You may be seated."

Then you'll say: "COUNSEL MAY BEGIN THEIR ARGUMENTS. I WILL NOW HEAR FROM COUNSEL FOR THE GOVERNMENT."



Now we need to turn to our first government attorney who will be arguing in favor of the death penalty.

_____, refer to your script: Your cue is when the judge introduces you as ... **COUNSEL FOR THE GOVERNMENT. YOU MAY PROCEED.....**

Remember to speak loudly and clearly. If there are words you don't understand or have difficulty pronouncing, we're here to help you. This is practice so it's OK if you don't get it perfect.

SCRIPT:

MAY IT PLEASE THE COURT, I AM ATTORNEY _____ AND I REPRESENT THE GOVERNMENT.

THE DEATH PENALTY SHOULD BE USED AS PUNISHMENT BY THIS COURT FOR THE FOLLOWING REASONS:

(1) THE PUNISHMENT SHOULD FIT THE CRIME. IF YOUR ARE CONVICTED OF KILLING A PERSON, YOU DESERVE TO BE PUNISHED BY BEING KILLED.

(2) INNOCENT PEOPLE NEED TO BE PROTECTED. IF MURDERERS ARE KILLED, THEY WILL NEVER HAVE THE CHANCE TO KILL ANOTHER INNOCENT PERSON AGAIN.

(3) IF PEOPLE KNOW THAT THEY CAN BE PUNISHED BY DEATH, THEY WILL BE MORE AFRAID TO COMMIT SERIOUS CRIMES AND WILL THINK TWICE BEFORE COMMITTING THOSE CRIMES.

That was excellent!

Now we need to hear from the other government lawyer. Now Judge you need to be paying attention because after this attorney introduces himself/herself, you'll say: "YOU MAY PROCEED".

SCRIPT:

MAY IT PLEASE THE COURT, I AM ATTORNEY _____ AND I REPRESENT THE GOVERNMENT.

Let's hear from our judge...YOU MAY PROCEED.

SCRIPT:

THE DEATH PENALTY SHOULD BE USED AS A PUNISHMENT BY THIS COURT FOR THE FOLLOWING REASONS:

(1) SOME PEOPLE COMMIT HORRIBLE CRIMES, INCLUDING TORTURE AND VICIOUS MURDER. THOSE ARE CRIMES THAT ARE SO TERRIBLE THAT HE



ONLY WAY TO MAKE UP FOR THEM IS TO BE PUT TO DEATH BY THE GOVERNMENT.

(2) BY USING THE DEATH PENALTY ON PEOPLE WHO COMMIT TERRIBLE CRIMES, SOCIETY IS SAYING HOW STRONGLY IT DOES NOT APPROVE OF THAT KIND OF BEHAVIOR. SOCIETY HAS A RIGHT TO EXPRESS ITS OUTRAGE BY USING THE DEATH PENALTY.

(3) EVEN IF THE DEFENDANT GOES TO PRISON FOR LIFE, HE OR SHE WILL STILL BE ABLE TO EAT, READ, MAKE FRIENDS, SEE FAMILY, AND ENJOY A LITTLE BIT OF LIFE. THE VICTIM'S LIFE HAS VALUE TOO. THE MURDERED VICTIM WILL NEVER BE ABLE TO DO THOSE THINGS AND FAMILY MEMBERS OF THE VICTIM WILL ALWAYS SUFFER FOR THE LOSS OF THEIR LOVED ONE. IT'S ONLY FAIR TO THE VICTIM'S FAMILY THAT THE PERSON WHO CAUSED THEIR LOSS SHOULD DIE.

Terrific! Another excellent presentation of the argument for the death penalty.

Now, we need to hear from our judge again. Look at your script, and read your next lines: I WILL NOW HEAR FROM COUNSEL FOR THE DEFENDANT.

OK defense counsel, it's your turn.....

MAY IT PLEASE THE COURT, I AM ATTORNEY _____ AND I REPRESENT THE DEFENDANT.

Let's hear from the Judge.....YOU MAY PROCEED.

SCRIPT:

THIS COURT SHOULD SENTENCE THE DEFENDANT TO LIFE IMPRISONMENT WITHOUT PAROLE. THE DEATH PENALTY SHOULD NOT BE USED AS A PUNISHMENT BY THIS COURT FOR THE FOLLOWING REASONS:

(1) IF THE PERSON WERE SENT TO PRISON INSTEAD OF PUT TO DEATH, HE OR SHE WOULD HAVE THE CHANCE TO FEEL SORRY FOR THE BAD THINGS HE OR SHE DID. THAT PERSON MIGHT CHANGE AND LEARN TO BE GOOD.

(2) SENTENCING PEOPLE TO DEATH WILL PROBABLY NOT CAUSE OTHER PEOPLE TO STOP COMMITTING CRIMES SO KILLING THEM WILL NOT PROTECT THE INNOCENT.

(3) IT IS MUCH MORE EXPENSIVE FOR SOCIETY TO USE THE DEATH PENALTY. PEOPLE WHO ARE SENTENCED TO DEATH AND THEIR LAWYERS SPEND A LOT OF OUR TAX MONEY ON APPEALS TRYING TO AVOID THE DEATH PENALTY.



Very nice job!! Now let's hear from our second defense attorney by introducing yourself.

MAY IT PLEASE THE COURT, I AM ATTORNEY _____, AND I REPRESENT THE DEFENDANT.

Judge it's your time to say: YOU MAY PROCEED.

SCRIPT:

THE COURT SHOULD SENTENCE THE DEFENDANT TO LIFE IMPRISONMENT WITHOUT PAROLE. THE DEATH PENALTY SHOULD NOT BE USED AS A PUNISHMENT BY THIS COURT FOR THE FOLLOWING REASONS:

(1) THE PEOPLE WHO ARE SENTENCED TO DEATH TEND TO BE POOR AND PEOPLE OF COLOR. IT ISN'T A FAIR SYSTEM.

(2) WITH THE DEATH PENALTY, THERE IS ALWAYS THE DANGER THAT THE WRONG PERSON MIGHT BE CONVICTED AND PUT TO DEATH. THERE IS NO WAY TO BRING AN INNOCENT PERSON BACK TO LIFE.

(3) USING THE DEATH PENALTY TO PUNISH CRIMINALS IS AN ACT OF VIOLENCE. IT TEACHES EVERYONE THAT VIOLENCE IS AN ACCEPTABLE WAY TO SOLVE A PROBLEM. IS THAT WHAT WE WANT OUR SOCIETY TO BELIEVE?

Now back to our judge again.....

THE JURY MAY NOW DELIBERATE.

Now the judge will give the jury time to discuss the arguments amongst themselves. One juror will be asked to be the foreperson for the jury. Does anyone know what the foreperson does?

That's right, he/she serves as the leader for the jury, tries to keep the discussion on track so that all the facts are presented, and is the person who gives the verdict slip to the clerk who then gives the verdict slip to the judge. Then the clerk will announce the verdict.

What questions do you have?

So we're ready to do the best presentations we can in there. Keep in mind that I'm going to be there to help you, _____; the Judge will be there to help you in your role as Judge and the clerk as well. If you make a mistake, just take a deep breath and pick up where you left off. Keep in mind that we're all in there rooting for each other.



If time permits or it is not a good time to re-enter the courtroom, then allow more time for the students to rehearse their respective roles. Go over words or phrases that were particularly difficult.

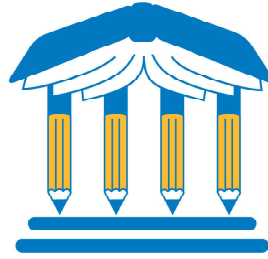
Let's go back into the courtroom. (Check to see if the hearing/proceeding has ended.)

Help the students take their respective positions in the court room. The student playing the role of judge should be escorted outside the courtroom so that he/she may enter with the judge.

OK, I think our volunteers are ready to enter the courtroom.

Give a signal, or send someone to escort the students back into the courtroom.

The Judge should leave the courtroom. The student playing the role of judge will join the Judge.



KIDS, COURTS AND CITIZENSHIP

A program created by Judge Joyce London Alexander

9.

Mock Trial

Participants:

Judge

Students

**Time
Keeper**



This Section = 20 minutes
Cumulative Time = 1 hr 43 min



Refer to [Mock Trial Script](#) Tab for a complete transcript of the mock trial



10.

Mock Trial Discussion

Participants:

Judge

Students

Vocabulary:

Verdict

Learning Objectives:

Practice how to compare and contrast arguments.

Analyze the choices that are made.

Discern/appreciate different points of view.

**Time
Keeper**



This Section = 5 minutes
Cumulative Time = 1 hr 48 min



At the conclusion of the trial after the verdict has been read.

Now let's take a look at what just happened. If you recall, I asked you the question earlier today regarding how many of you would support the death penalty and how many of you would support the penalty of life imprisonment without parole. The result before was ____ for the death penalty and ____ for life imprisonment without parole.

Now the result is ____ for the death penalty and ____ for life imprisonment.

Depending on the verdict and how similar or dissimilar the result is from the initial vote will influence which of the following questions to ask.

Why did the jury select the verdict it did? What was your reasoning? What was the major factor that made you reach your decision?

Did you debate your decision?

What were the arguments that were raised?

How did you get everyone to agree?

Why was the verdict so different from the initial vote today?

What made so many people change their minds?

Or

The result from the first vote we took and the jury's verdict is pretty similar.

Why do you think it is pretty much the same?

What was it like being a juror?

Let's have a round of applause for the great job all our volunteers did - the judge, the courtroom clerk, our government defense team and our defendant's attorneys. Let's have a round of applause for our able jury foreperson. Now a round of applause for our wonderful jurors.



11.

Questions and Answers

Participants:

Judge

Students

**Time
Keeper**



This Section = 7 minutes
Cumulative Time = 1 hr 55 min



Now, here's the part that I really enjoy. Now I hope you have learned a lot today. And that you have been able to experience what being in a court of law is all about. I know for me, everyday is a new experience. I'm always learning.

Now although we have tried to cover a lot in a short time with you, I'm sure that you may still have questions. So let's use the remaining time we have together and I will try my best with the help of the other people who work with me.

Introduce/ acknowledge anyone who has or has not been acknowledged at this point.

A list of actual sample questions that students have asked the Judge.

SAMPLE QUESTIONS

- What did you want to be when you were younger?
- Do you have a bailiff?
- Have you ever seen or hear of anyone who got killed in prison?
- Is it fun to be a judge?
- What does a prison look like?
- Is it hard to give the death penalty to a defendant who's been proven guilty?
- How long does a case take?
- What is the length of an average trial?
- If you were put in the situation, would you ever sentence one of your family members to death?
- Do you like your job?
- What is it you like most about your job?
- How much are you paid to be a judge?
- Do you ever regret your decision to be a judge?
- Do you work long hours?
- Has a defendant ever tried to attack someone in the courtroom or ever acted unruly?
- Do you ever doze off on some cases?
- Have you ever lost your temper with a defendant or a lawyer?
- What is the appeal process?
- How many cases have you tried? How many cases do you hear in a day?
- Do you sometimes wish that you had a different job?
- Why did you become a judge?
- How long did it take to be a judge in this court house?
- Do you have any regrets?
- Is what happens on Judge Judy's TV show just like a real court?
- What happens when you're out sick....do they get another judge?
- Are you married?
- What's the most difficult case you ever had?
- What are things do you do besides try cases?



Questions for other court personnel...

- As a court reporter, do you ever miss a word or not hear what's been said?
- What do you do in that situation?
- How fast can you put the data into your machine?
- Do you have a hard time keeping up?

- As a courtroom clerk, explain what you do.
- Do you ever get bored with your job?
- Do you have to be a lawyer to do your job?
- What type of education do you need to do your job?
- How many cases do you hear a day?

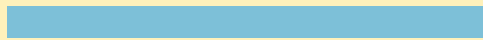


12.

Putting It All Together

Participants:

Judge



Vocabulary:

Naturalized citizen

Resilience

Learning Objectives:

Practice using questioning to learn.

Review fundamental concepts/key roles in the courtroom.

Explore other roles of the federal judge.

Be the best you can be.

**Time
Keeper**



This Section = 5 minutes
Cumulative Time = 2 hours



I want to thank all of you for your questions. Always keep in mind that it's very important to ask good questions. It shows that you're really paying attention and it also shows that you have a curious mind that you always want more information.

I'm sure that your teachers would tell you that asking questions is so important if you want to continue to learn and grow as an individual.

Now I hope that today we have managed to give you a first hand look at what life in a courtroom is all about. You got to see people who work here and have a variety of different roles. Each of these people whether it's the courtroom clerk, the court reporter, the lawyer for the defendant, or lawyer for the government, or the U.S. Marshal, it takes everyone of these people to make our judicial system work.

Remember that we have three principal parts of our government, the executive that puts our laws into practice, our legislative branch which votes for the laws that we live by and our judicial branch that enforces the laws.

One aspect of my job as a judge that I haven't mentioned is what's become my favorite responsibility. Every year thousands of people come to the United States from other countries all over the world. Many of these people come here because they want America to be their home. I'm sure that your teachers have worked with you on studying our history and that you have learned that the United States is made up of people who came here from many parts of the world.

I am responsible like other federal court judges for swearing in these people by giving them an oath of allegiance to the United States. This process is called naturalization. In other words, after these people are sworn in, they have all the rights and responsibilities of citizens.....just as if they were born in this country. As I said, this is to me a wonderful part of my job since I'm a part of giving these people new hope and new opportunities in our great country.

Now let's focus on each of you a student at the _____ elementary school. Any one of you can work to be whatever you want to be. But whatever it is you want to be, be the best at that profession. If you want to be a cook then be the head chef or the owner of the restaurant. If you want to be a hair stylist then work to own your own salon. No matter what the job, set high expectations, study hard, do your homework and be all that you can be! Also, have what is called resilience. Does anyone know that word means?

Good answers.....Yes, it's each person's ability to make a comeback no matter what happens to him/her. Your ability to take whatever happens and keep trying again. Everyone needs resilience...the ability to get back in the game time after time.

Today, I hope that you got to see our democracy in action and the important role that each one of us can make as a citizen in that democracy.



As a juror, you demonstrate what our American system of justice and fairness is all about. Just consider that anyone from any walk of life can be a juror. It's not only a duty as a citizen of our great country but an honor. I hope that we were able to demonstrate that to be a good contributing member of our society, we need to listen to all points of view, keep our minds open and constantly strive to learn all we can.

You are always going to be faced with decisions. And you should always think carefully before you act. Things are not always easy to define, they are not always black and white, but many times things are shades of gray.

Thank you and good luck!

Court is adjourned.

All rise.

The judge leaves the courtroom. Teachers escort their students out of the courtroom to their buses.



Mock Trial Scripts

Judge	pages 67-68
Courtroom Clerk	page 69
Jury Foreperson	page 70
Argument Against the Death Penalty, Attorney #1	page 71
Argument Against the Death Penalty, Attorney #2	page 72
Argument In Favor of the Death Penalty, Attorney #1	page 73
Argument In Favor of the Death Penalty, Attorney #2	page 74



The Judge

pg 1

After the Clerk says, "You may be seated," say

COUNSEL MAY BEGIN THEIR ARGUMENTS. I WILL NOW HEAR FROM COUNSEL FOR THE GOVERNMENT.

The first Government attorney will rise and do his/her introduction "May it please the Court, I am attorney ___ and I represent the Government."
Say

YOU MAY PROCEED.

After first attorney is finished, second will rise & say same introduction.
Say

YOU MAY PROCEED.

After the Government finishes its arguments, say

I WILL NOW HEAR FROM COUNSEL FOR THE DEFENDANT.

The first defense attorney will rise and do an introduction. Say

YOU MAY PROCEED.

After the first finishes, the second defense attorney will rise and do an introduction. Say

YOU MAY PROCEED.

After both sides have argued, turn to the jury and say

THE JURY WILL NOW DELIBERATE.



The Judge

pg 2

After the jury votes, ask the jury:

HAS THE JURY REACHED A VERDICT?

The jury will answer, "Yes." The Clerk will then take the verdict slip and give it to you to look at it. After you look at it, give it back to the Clerk and say:

YOU MAY NOW PUBLISH THE VERDICT.

The Clerk will announce the results of the vote. You then ask the jury:

SO SAY YE MADAM/MISTER FOREPERSON?

Foreperson will answer, "Yes." Then turn to the jury and ask them:

SO SAY YE ALL?

Jury members will answer, "Yes." Wait for the Clerk to say, "Court is adjourned," then you may leave.



Courtroom Clerk

When the Judge is ready to come into the courtroom, stand up and announce the Judge's entrance:

ALL RISE!

When the Judge is seated at the bench, say:

THE UNITED STATES DISTRICT COURT IS NOW IN SESSION. YOU MAY BE SEATED.

The Judge will talk briefly and then the attorneys will make their arguments. After arguments, the jury will vote. Once they vote, the judge asks the jury if they have reached a verdict, and the jury will say "yes." You then go to the jury foreperson and he or she will give you the verdict slip. You take the jury slip and give it to the judge to look at it. The judge will then say, "Mr./Ms. Clerk, you may publish the verdict." You then announce in a loud voice:

THE JURY HAS REACHED A VERDICT. _____ MEMBERS OF THE JURY FIND THAT THE DEFENDANT SHOULD RECEIVE THE DEATH PENALTY, AND _____ MEMBERS OF THE JURY FIND THAT THE DEFENDANT SHOULD NOT RECEIVE THE DEATH PENALTY.

The judge will ask the jury if that is how they voted. When the judge is done asking the jury if that is how they voted, you say:

ALL RISE! COURT IS NOW ADJOURNED.



Jury Foreperson

After the attorneys make their arguments and the jury has voted and the votes are all counted, the Judge will turn to you and ask you: “Have you reached a verdict?”

Answer: **YES.**

The Clerk will then come to you and get the verdict slip. You give the verdict slip to the Clerk, who takes it to the Judge.

The Clerk will then announce the verdict.

The Judge will then ask you, “**SO SAY YE MADAM/MISTER FOREPERSON?**”

You will answer:

YES.

The Judge will then ask the jury:

SO SAY YE ALL?

Jury members will answer, “Yes.” Wait for the Clerk to say, “Court is adjourned,” then you may leave.



Argument Against the Death Penalty

Attorney #1

Introduce yourself:

**“MAY IT PLEASE THE COURT, I AM ATTORNEY _____
AND I REPRESENT THE DEFENDANT.”**

Wait for the Judge to tell you, “You may proceed.” Then start.

THIS COURT SHOULD SENTENCE THE DEFENDANT TO LIFE IN PRISON WITHOUT PAROLE. THE DEATH PENALTY SHOULD NOT BE USED AS A PUNISHMENT BY THIS COURT FOR THE FOLLOWING REASONS:

1) IF THE PERSON WERE SENT TO PRISON INSTEAD OF PUT TO DEATH, HE OR SHE WOULD HAVE THE CHANCE TO FEEL SORRY FOR THE BAD THINGS HE OR SHE DID. THAT PERSON MIGHT CHANGE AND LEARN TO BE GOOD.

2) SENTENCING PEOPLE TO DEATH WILL PROBABLY NOT CAUSE OTHER PEOPLE TO STOP COMMITTING CRIMES SO KILLING THEM WILL NOT PROTECT THE INNOCENT.

3) IT IS MUCH MORE EXPENSIVE FOR SOCIETY TO USE THE DEATH PENALTY. PEOPLE WHO ARE SENTENCED TO DEATH AND THEIR LAWYERS SPEND A LOT OF OUR TAX MONEY ON APPEALS TRYING TO AVOID THE DEATH PENALTY.



Argument Against the Death Penalty

Attorney #2

Introduce yourself:

**MAY IT PLEASE THE COURT, I AM ATTORNEY _____
AND I REPRESENT THE DEFENDANT.**

Wait for the Judge to tell you, "You may proceed." Then start.

THIS COURT SHOULD SENTENCE THE DEFENDANT TO LIFE IN PRISON WITHOUT PAROLE. THE DEATH PENALTY SHOULD NOT BE USED AS A PUNISHMENT BY THIS COURT FOR THE FOLLOWING REASONS:

1) THE PEOPLE WHO ARE SENTENCED TO DEATH TEND TO BE POOR AND PEOPLE OF COLOR. IT ISN'T A FAIR SYSTEM.

2) WITH THE DEATH PENALTY, THERE IS ALWAYS THE DANGER THAT THE WRONG PERSON MIGHT BE CONVICTED AND PUT TO DEATH. THERE IS NO WAY TO BRING AN INNOCENT PERSON BACK TO LIFE.

3) USING THE DEATH PENALTY TO PUNISH CRIMINALS IS AN ACT OF VIOLENCE. IT TEACHES EVERYONE THAT VIOLENCE IS AN ACCEPTABLE WAY TO SOLVE A PROBLEM. IS THAT WHAT WE WANT OUR SOCIETY TO BELIEVE?



Argument In Favor of the Death Penalty

Attorney #1

Introduce yourself:

**MAY IT PLEASE THE COURT, I AM ATTORNEY _____
AND I REPRESENT THE GOVERNMENT.”**

Wait for the Judge to tell you, “You may proceed.” Then start.

**THE DEATH PENALTY SHOULD BE USED AS A PUNISHMENT BY
THIS COURT FOR THE FOLLOWING REASONS:**

**1) THE PUNISHMENT SHOULD FIT THE CRIME. IF YOU ARE CON-
VICTED OF KILLING A PERSON, YOU DESERVE TO BE PUNISHED
BY BEING KILLED.**

**2) INNOCENT PEOPLE NEED TO BE PROTECTED. IF MURDER-
ERS ARE KILLED, THEY WILL NEVER HAVE THE CHANCE TO KILL
ANOTHER INNOCENT PERSON AGAIN.**

**3) IF PEOPLE KNOW THAT THEY CAN BE PUNISHED BY DEATH,
THEY WILL BE MORE AFRAID TO COMMIT SERIOUS CRIMES AND
WILL THINK TWICE BEFORE COMMITTING THOSE KINDS OF
CRIMES.**



Argument In Favor of the Death Penalty

Attorney #2

Introduce yourself:

**MAY IT PLEASE THE COURT, I AM ATTORNEY _____
AND I REPRESENT THE GOVERNMENT.**

Wait for the Judge to tell you, "You may proceed." Then start.

**THE DEATH PENALTY SHOULD BE USED AS A PUNISHMENT BY
THIS COURT FOR THE FOLLOWING REASONS:**

1) SOME PEOPLE COMMIT HORRIBLE CRIMES, INCLUDING TORTURE AND VICIOUS MURDER. THOSE ARE CRIMES THAT ARE SO TERRIBLE THAT THE ONLY WAY TO MAKE UP FOR THEM IS TO BE PUT TO DEATH BY THE GOVERNMENT.

2) BY USING THE DEATH PENALTY ON PEOPLE WHO COMMIT TERRIBLE CRIMES, SOCIETY IS SAYING HOW STRONGLY IT DOES NOT APPROVE OF THAT KIND OF BEHAVIOR. SOCIETY HAS A RIGHT TO EXPRESS ITS OUTRAGE BY USING THE DEATH PENALTY.

3) EVEN IF THE DEFENDANT GOES TO PRISON FOR LIFE, HE OR SHE WILL STILL BE ABLE TO EAT, READ, MAKE FRIENDS, SEE FAMILY, AND ENJOY A LITTLE BIT OF LIFE. THE VICTIM'S LIFE HAS VALUE TOO.

THE MURDERED VICTIM WILL NEVER BE ABLE TO DO THOSE THINGS AND FAMILY MEMBERS OF THE VICTIM WILL ALWAYS SUFFER FOR THE LOSS OF THEIR LOVED ONE. IT'S ONLY FAIR TO THE VICTIM'S FAMILY THAT THE PERSON WHO CAUSED THEIR LOSS SHOULD DIE.